

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION (WORCESTER)**

MICHAEL DAWE
Plaintiff,

V.

CAPITAL ONE BANK
Defendant.

CASE NO. 04-40192 FDS

ASSENTED TO MOTION TO CONTINUE
SCHEDULING CONFERENCE

Defendant Capital One Bank moves, with the assent of plaintiff Michael Dawe, to reschedule the Scheduling Conference presently scheduled at 11:45 a.m. on March 7, 2005, to **March 21, 2005, or any day during the week of March 21, 2005**, at a time to be determined by the Court. In support hereof, Capital One Bank states that its counsel is scheduled for jury duty in Wrentham District Court on March 7, 2005.

Date: February 9, 2005

CAPITAL ONE BANK

By its attorney,

Assented to:

MICHAEL DAWE

By his attorney,

/s/ Bruce D. Berns
Bruce D. Berns (BBO# 551010)
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